IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

LA.App.No. 473 of 2006

LAR.189/2000 of SUB COURT, KOZHIKODE
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APPELLANTS/CLAIMANTS IN LAR
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1. **PARANGODAN (DEAD), S/O.PARAMESWARAN, NHANGADI, VIRIPPIL, KAITHAPADAM, NELIKODE.**

2. **BALAN, S/O.PARAMESWARAN, AGED 65 YEARS, NHANGADI, VIRIPPIL, KAITHAPADAM, NELIKODE.**

3. **SULOCHANA, W/O.PARANGODAN, AGED 58 YEARS, NHANGADI, VIRIPPIL, KAITHAPADAM, NELIKODE.**

4. **MINI, D/O.PARANGODAN, AGED 34 YEARS, NHANGADI, VIRIPPIL, KAITHAPADAM, NELIKODE.**

5. **RINI, D/O.PARANGODAN, AGED 24 YEARS, NHANGADI, VIRIPPIL, KAITHAPADAM, NELIKODE.**

6. **JINI, D/O.PARANGODAN, AGED 23 YEARS, NHANGADI, VIRIPPIL, KAITHAPADAM, NELIKODE.**

BY ADV. SRI.P.M.MOHAMMED SHIRAZ
SMT.G.R.MANJU

RESPONDENT/ RESPONDENTS IN LAR

THE SPECIAL TAHSILDAR,
LAND ACQUISITION, NATIONAL HIGHWAY-1,
CIVIL STATION, KOZHIKODE.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 473 OF 2006

Dated this the 28th day of November, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 189/2000 on the file of the Sub Court, Kozhikode. Acquisition is for the purpose of Calicut bye-pass. The property is situated in Nellikode village. The acquired property is wet land.

2. The Advocate Commissioner has reported that the property would fetch an amount around Rs.40,000/- per cent. The reference court has fixed the land value at the rate of Rs.8,000/- per cent. It is not in dispute that in respect of the properties situated near to the acquired property, this Court has sustained land value to the extent claimed in this appeal and much more. What is claimed is only land value at the rate of Rs.15,000/- per cent, an enhancement of Rs.7,000/- per cent.

In that view of the matter, we allow this appeal. The appellants shall be entitled to have the land value refixed at Rs.15,000/- per cent. The appellants shall also be entitled to all

the consequential and eligible statutory benefits including interest on solatium. The amounts already remitted shall also be duly credited.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp